

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARGILL COCOA & CHOCOLATE, INC.,	)	
	)	
Plaintiff	)	
	)	Civil Action
vs.	)	No. 13-cv-06004
	)	
ABCO LABORATORIES, INC.,	)	
	)	
Defendants	)	

O R D E R

NOW, this 25<sup>th</sup> day of September, 2014, upon consideration of [Defendant] ABCO Laboratories, Inc.'s Motion to Dismiss Under Rules 12(b)(2) and 12(b)(3) and to Strike Under Rule 12(f), which motion was filed December 2, 2013 (Document 10)("Motion"); upon consideration of [Plaintiff] Cargill Cocoa & Chocolate, Inc.'s Response in Opposition to Defendant's Motion to Dismiss Plaintiff's Amended Complaint Under Rules 12(b)(2) and 12(b)(3) and to Strike Under Rule 12(f), which response was filed on January 20, 2014 (Document 13); upon consideration of the pleadings, record papers, and legal memoranda and briefs of the parties; after a hearing on the Motion held before me on April 30, 2014, June 5, 2014, and July 8, 2014 and upon consideration of the evidence, testimony, and arguments presented at the hearing; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that the Motion is denied in part and dismissed in part as moot.

IT IS FURTHER ORDERED that the Motion is denied to the extent it seeks to dismiss this action for lack of personal jurisdiction and improper venue.

IT IS FURTHER ORDERED that the Motion is dismissed as moot to the extent it seeks to strike plaintiff's request for attorney fees from the Amended Complaint filed October 22, 2013.

IT IS FURTHER ORDERED that defendant ABCO Laboratories, Inc. shall have until October 21, 2014 to file an answer to the Amended Complaint.

BY THE COURT:

/s/ JAMES KNOLL GARDNER\_\_\_\_\_  
James Knoll Gardner  
United States District Judge